

**PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Citation)	
Issued to:)	PTBC Case: 1D 2003 63689
)	Citation #: 03-04-0103
Andrew Choi, P.T.)	
)	
)	
<u>Respondent.</u>)	

INFORMAL CONFERENCE DECISION

In accordance with the Citation No. 03-04-0104, issued on March 4, 2004, it is hereby amended based on the Informal Conference held on April 16, 2004. The conference was held jointly with Rehka Lund, P.T. who had received Citation No. 03-04-0104. The joint Informal Conference was agreed to by both parties, and both Ms. Lund and Mr. Choi were advised at the beginning of the conference that the conference could be separated into two separate conferences at any time if either so desired. At the request of Mr. Choi and his legal counsel, Michael D. Brown of Schuler & Brown, it was agreed that additional information could be submitted until 5:00 p.m. on Tuesday April 20, 2004. A letter dated April 19, 2004, was received via facsimile on April 19, 2004, and the original on April 21, 2004. This informal conference decision is based on the information that was supplied to the Executive Officer as part of the Informal Conference held April 16, 2004, including the letter dated April 19, 2004.

The written information supplied both during and after the Informal Conference indicated that the false entries in the patient records were not viable since they were crossed out and the initials of the physical therapist were included with the crossing out of the false entry. However, during the conference both Ms. Lund and Mr. Choi verbally indicated that they had not crossed out the entry made by them, but the entry that had been made the other. There was agreement that the time frame between the entry and correction was short, but there was also agreement that the correction was not immediate. Both Ms. Lund and Mr. Choi also acknowledged that drawings that were added or altered were not crossed out, and remain a part of the record. Consequently the entries were viable.

In addition to viability of the entries, Ms. Lund and Mr. Choi indicated that there was not any intent to create fraudulent records. Ms. Lund and Mr. Choi seemed sincere in this representation, as well as their acknowledgment that the creation of the false entries by a physical therapist, for any reason, constituted unprofessional conduct.

The letter of April 19, 2004, request that if the citations are not withdrawn based on the false entries not being viable, then the citations be modified to delete a violation of Section 2261 of the Business and Professions Code, and instead specify a violation of Section 2620.7 of the Business and Professions Code. Section 2620.7 of the Business and Professions Code specifies what a physical therapist must document in a patient chart, but does not address the issue of false entries. Section 2261 of the Business and Professions Code specifies "*Knowingly making or signing any certificate or other document directly or indirectly related to the practice of*

medicine or podiatry which falsely represents the existence or nonexistence of a state of facts, constitutes unprofessional conduct.” The false entries that were made would constitute unprofessional conduct under this section

During the conference both Ms. Lund and Mr. Choi indicated that they were no longer employed at the facility where the incidents occurred, due to the incidents. Mr. Choi indicated that as a result he was unemployed for several months and consequently lost income. When the total economic impact of the change of employment was discussed, Mr. Choi indicated that his new employment was with a higher salary than the prior employment. Ms. Lund indicated that she was able to find new employment, also at a higher salary, with little delay. Ms. Lund and Mr. Choi both indicated during the conference that the amount of the citation was not at issue.

The request in the letter of April 19, 2004 to modify Mr. Choi’s citation to not include a monetary fine is not accompanied by any information that would indicate the basis for the request. While the consideration of information regarding adverse economic impact would be considered, Mr. Choi has not supplied any information that would document that the fine would be an undue hardship.

Based on the information that was available at the time of the issuance of the original citation, and the information that was part of the Informal Conference, it is the decision of the Executive Officer of the Physical Therapy Board of California, that the citation will be amended to delete the reference that the medical records were fraudulently altered. The second sentence of the third paragraph is amended to read *“Based on the medical records reviewed, it has been confirmed that you are in violation of the law regulating the practice of physical therapy for documenting patient records with false information from the period of June 2003 through July 2003.”* An additional sentence will be added to the end of the third paragraph specifying: *“ These actions constitute unprofessional conduct.”* The amount of the citation will remain at \$1,500.

If you wish to contest this decision, you must notify the Board by filing the attached "Notice of Appeal - Request for Administrative Hearing" within 10 business days after receipt of this decision.

If notified within the time allotted, the Executive Officer will arrange for a formal hearing before an administrative law judge. The hearing will be conducted in accordance with the provisions of the Administrative Procedure Act (Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. After the hearing, the Board shall issue the decision, prepared by the administrative law judge, based upon the findings of fact, affirming, modifying, or vacating the Citation, or directing other appropriate relief.

DATED: April 29, 2004

Original Signed By:

Steven K. Hartzell
Executive Officer

**PHYSICAL THERAPY BOARD OF CALIFORNIA****Consumer Protection Services Program**

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March 4, 2004

Citation No. 03-04-0103

Andrew Choi, P.T.
3727 South Centinela Avenue #3
Los Angeles CA 90066

License No. PT 24176

AMENDED CITATION

Investigation of a complaint submitted revealed actions taken by you which violate sections of the law regulating the practice of physical therapy.

A Citation is hereby issued to you in accordance with Section 125.9 of the Business and Professions Code for the violations described below.

On November 25, 2003, the Board received a complaint alleging that Andrew Choi, P.T. and Rekha Lund, P.T. at UCLA Medical Center in Los Angeles altered medical records. Based on the medical records reviewed, it has been confirmed that you are in violation of the law regulating the practice of physical therapy for documenting patient records with false information from the period of June 2003 through July 2003. These actions constitute unprofessional conduct.

FIRST CAUSE FOR CITATION

1. Section 2261 of the Business and Professions Code

Knowingly making or signing any certificate or other document directly or indirectly related to the practice of medicine or podiatry which falsely represents the existence or nonexistence of a state of facts, constitutes unprofessional conduct.

2. Section 2660 of the Business and Professions Code

The board may, after the conduct of appropriate proceedings under the Administrative Procedure Act, suspend for not more than 12 months, or revoke, or impose probationary conditions upon any license, certificate, or approval issued under this chapter for unprofessional conduct that

includes, but is not limited to, one or any combination of the following causes: (i) Conviction of a violation of any of the provisions of this chapter or of the State Medical Practice Act, or violating, or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter or of the State Medical Practice Act.

ORDER

Further, **you are ordered to pay a fine of \$ 1500.00** to the Physical Therapy Board of California within 30 days after receipt of this Citation.

If you wish to contest all or any part of this Citation, complete the enclosed "Notice of Appeal -Request for Informal Conference" form and return it to this office within 10 days after receipt of this Citation. The date indicated on the order of abatement will be held in abeyance only for any violation(s) you wish to contest. The time to correct all uncontested violations will be adhered to as specified. In the alternative, you may, within 30 days after receipt of this Citation, request a formal administrative hearing before an administrative law judge under the Administrative Procedure Act.

FAILURE TO RETURN THE REQUEST FOR INFORMAL CONFERENCE FORM OR TO REQUEST AN ADMINISTRATIVE HEARING WITHIN THE TIMES INDICATED WILL WAIVE YOUR RIGHT TO ADMINISTRATIVELY CONTEST OR APPEAL THIS CITATION.

Administrative Fine

\$ 1500.00

FOR YOUR PROTECTION AND TO ASSURE PROPER CREDIT,
PLEASE RETURN THE COPY OF THE CITATION
AND NOTE THE CITATION NUMBER ON YOUR CHECK
OR MONEY ORDER.

April 29, 2004
Date

Original Signed By:
STEVEN K. HARTZELL
Executive Officer